IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5642 OF 2004

Rafiq Shah @ Raja S/o Roshan Shah ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri A.R. Shaikh for the Applicant.
Shri K.V. Saste, APP for Respondent- State.

CORAM : A.M.KHANWILKAR, J.
DATED : DECEMBER 22, 2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. The applicant has been arrested in connection with C.R.No. I-80/2003, which was registered with Killa Police Station, Malegaon for the offence punishable under section 395 read with 397 of I.P.C., in the Sessions Case No. 6/2004.

3. The applicant was arrested on 15th September, 2003. Identification parade has been held on 4th December, 2003. Besides the delay in conducting identification parade, it is also seen that the

identity of gold allegedly recovered from the applicant has not been established. No investigation in that behalf has been done. If it is so, the Applicant deserves to be enlarged on bail specially when there is no antecedent against the applicant. The applicant is being released on bail by imposing strict conditions, having regard to the nature of the offence, which the Applicant is willing to abide. Hence, the following order :-

(a) Applicant is enlarged on bail in connection with C.R.No. I-80/2003, registered with Killa Police Station, Malegaon on executing personal bond in the sum of Rs. 25,000/- (Rs. Twenty-Five thousand only) with two local sureties in the like amount.

(b) The Applicant shall not enter the jurisdiction of Taluka -Malegaon during the pendency of the trial except for attending the court cases. This condition is necessitated as it is brought to my notice that there are antecedents against the associates of the applicant, who are involved in the same offence.

(c) The Applicant shall report to the nearest police station where he intends to reside after he is released on bail, once on every fortnight on Saturday between 10 a.m. to 12 p.m. and he shall not leave jurisdiction of the said police station without prior intimation to the investigating officer as well as trial court. The applicant to inform the place of his residence where he would reside, within one week from the date of release, to the Investigating Officer.

(d) The Applicant shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that the applicant is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

(e) The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

4. Ordered accordingly.

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